

Message Text

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ACTION EA-09

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 642

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UNCLAS BANGKOK 18382

E.O. 11652: N/A

TAGS: BDIS, TH

SUBJECT: TRADE COMPLAINT (CONGRESSIONAL INTEREST):

J.E. FRICKE CO., PHILA. VS. LAWANA ENTERPRISE

REF: USDOC MEMORANDUM OF AUGUST 4 FROM D.S. GILPATRIC, BIC

1. SENATOR SCOTT WROTE DIRECTLY TO THE EMBASSY ABOUT THIS CASE ON JULY 30 AND AMEMBASSADOR REPLIED ON AUGUST 8 THAT "THE EMBASSY WAS INFORMED BY MR. SUWAN FOO OF LAWANA ENTERPRISE LTD. THAT HE BELIEVED THE QUALITY OF THE LOST SHIPMENT WAS THE SAME AS THE TWO EARLIER SHIPMENTS. HE PROMISED TO INVESTIGATE AND REPORT HIS FINDINGS DIRECTLY TO THE J.E. FRICKE COMPANY."

2. ON AUG?27, LAWANA ENTERPRISE WROTE TO A MR. H.E. KLAUS OF THE J.E. FRICKE COMPANY THAT "IT IS REGRETTABLE THAT WE CANNOT AGREE TO YOUR CLAIMS SINCE THE GOODS WE SHIPPED WERE OF NORMAL QUALITY THAT WE HAD BEEN SHIPPING TO YOU EARLIER AND THAT IT HAD BEEN ACCEPTABLE TO YOU ALWAYS."

3. THE RTG OFFICE OF EXPORT PROMOTION (OEP), MINISTRY OF COMMERCE, APPARENTLY WAS INFORMED OF THIS CLAIM BY THE HONORARY THAI CONSULATE IN ELKINS PARK, PENNSYLVANIA. OEP WILL BE SENDING DIRECTLY TO J.E. FRICKE THE DETAILS OF THAT OFFICE'S INVESTIGATION. LAWANA WROTE OEP ON AUGUST 26 THAT THIS SHIPMENT WAS NO DIFFERENT FROM EARLIER ONES WHICH FRICKE ACCEPTED AND THAT THEY HAD NOT REPLIED TO FRICKE'S LETTERS BECAUSE THE CLAIM WAS "EXCESSIVE". FYI: OEP DOES UNCLASSIFIED

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NOT HAVE ANY LEGAL POWER TO FORCE A THAI FIRM TO COMPENSATE

A FOREIGN FIRM OTHER THAN MORAL SUASION AND THE THREAT OF NOT RECOMMENDING THIS FIRM TO INTERESTED FOREIGN BUYERS.

4. EVIDENTLY LAWANA HAS NO INTENTION OF COMPENSATING FRICKE, EITHER COMPLETELY OR PARTIALLY. IF FRICKE WISHES TO PURSUE THEIR CLAIM, THE ONLY RECOURSE IS TO HIRE A LAW FIRM HERE AND TAKE LAWANA TO COURT. COMMERCE MAY WISH TO ATTACH A LIST OF LAWYERS IN THAILAND (AVAILABLE STATE, EA/TB) TO ITS REPLY TO SENATOR SCHWEIKER. EMBASSY WOULD APPRECIATE IF COMMERCE WOULD ALSO INFORM SENATOR SCOTT OF THE CONTENTS OF PARAGRAPHS 2, 3 AND 4.

5. REF MEMORANDUM COMMENTED ON RTG'S REFERRING DISPUTES TO U.S. SENATORS AND CONGRESSMEN. THE THAI CONSULATE IN ELKINS PARK, PENNSYLVANIA, IS AN HONORARY CONSULATE AND IT WAS APPARENTLY A U.S. CITIZEN REPRESENTING THE RTG WHO REFERRED THIS CASE TO CONGRESS FOR ASSISTANCE. TO AVOID RECURRENCE WE HAVE ASKED MINISTRY OF COMMERCE TO INSTRUCT ALL THEIR CONSULATES NOT TO REFER TRADE DISPUTES TO U.S. CONGRESSMEN. WHITEHOUSE

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